

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

GEORGE ROBERT BREWINGTON,)	
)	
Petitioner,)	
vs.)	NO. CIV-10-568-HE
)	
DAVID MILLER, LCC WARDEN,)	
)	
Respondent.)	

ORDER

Petitioner George Robert Brewington filed this action seeking habeas relief under 28 U.S.C. § 2254. Consistent with 28 U.S.C. §636(b)(1)(B) and (C), the matter was referred for initial proceedings to Magistrate Judge Robert E. Bacharach. He has recommended that the petition be dismissed without prejudice because some of petitioner's claims are unexhausted and he has failed to show good cause for his failure to exhaust.

Petitioner failed to object to the magistrate judge's Report and Recommendation and thereby waived his right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). See 28 U.S.C. § 636(b)(1)(C). Accordingly, the court adopts Magistrate Judge Bacharach's Report and Recommendation and dismisses the petition without prejudice.

IT IS SO ORDERED.

Dated this 30th day of September, 2010.



JOE HEATON
UNITED STATES DISTRICT JUDGE